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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

10/521379

Applicant's or agent's file reference 30A-88545	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 02/08731	International filing date (day/month/year) 05.08.2002	Priority date (day/month/year) 05.08.2002
International Patent Classification (IPC) or both national classification and IPC H04L12/18		
Applicant TELEFONAKTIEBOLAGET LM ERICSSON (PUBL) et al.		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of 7 sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of 4 sheets.
3.	This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 26.02.2004	Date of completion of this report 04.11.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office - Gitschiner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840	Authorized Officer Rosken, W Telephone No. +49 30 25901-474 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 02/08731**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

Description, Pages

1-28 as originally filed

Claims, Numbers

1-22 received on 23.09.2004 with letter of 23.09.2004

Drawings, Sheets

1/8-8/8 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	10,12
	No: Claims	1-9,11,13-22
Inventive step (IS)	Yes: Claims	
	No: Claims	1-22
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V:

Reference is made to the following documents:

D1: SUN WEI ET AL: 'JMS: a flexible collaborative environment', XP010365607

- 1 The application does not meet the requirements of Article 6 PCT:
the expression "distributed network component" used in the claims is ambiguous: is this a device connected to the network or a part of a device connected to the network (the objection made below under 2 interprets the network component as being a part of a device connected to the network (the JMS client), whereas the objection made below under 3 interprets the network component a device connected to the network (the user client A or B)) ?
- 2 The present application does not meet the requirement of Article 33(1) PCT because the subject-matter of claims 1-9, 11 and 13-22 is not new in the sense of Article 33(2) PCT and the subject-matter of claims 10 and 12 does not involve an inventive step, Article 33(3) PCT:
 - 2.1 Document D1 discloses a method of controlling a floor controller (page 197, left column, paragraphs 3-6: floor controller is the JMS client whose floor manager has the floor control) of a communications network (figure 2) including a group of distributed network components (figure 2: JMS clients of user clients A and B coupled to the network) which are configured to receive a data stream (page 196, right column, paragraph 6 - page 197, left column, paragraph 1; page 198, right column, paragraph 2; page 199, right column, paragraph 1, last four lines: coupling events; or page 201, right column, paragraph 2 and 3: audio or video media) from a data source (page 196, right column, paragraph 6 - page 197, left column, paragraph 1; page 198, right column, paragraph 2 with: application tool on the user client being the floor holder; or page 201, right column, paragraph 2 and 3 with page 199, left column, third paragraph: application tool like the JMS Shared Media player retrieving, start by playing, stop, pause the audio or video media and thereby controlling the source of the audio or video media stored locally on the network), comprising the steps of:
 - a) selecting, by the floor controller (page 197, left column, paragraphs 3-6: floor controller is the JMS client whose floor manager has the floor control), the network component to take over session control of the data source (page 197, left column, paragraphs 2-6, *in particular paragraphs 4-6 with page 197, right column second*

paragraph: the JMS client whose floor manager has the floor control and is therefore the floor controller which takes the session control action according to the floor policy, e.g. chair-guidance or first-come-first serve grants the floor to the floor requesting user client, *the JMS client being the JMS client of the floor controller* and is thus selecting the JMS client of the floor controller to be the floor holder; only the JMS client which has the floor, the floor holder, has the right to control the application session on all other user clients and therefore has the session control over the local application tool and all remote application tools);
b) receiving, by the floor controller (page 197, left column, paragraphs 3-6: floor controller is the JMS client whose floor manager has the floor control), a control instruction from the selected network component, the control instruction relating to a control of the data source (page 198, right column, second paragraph, in particular lines 18-30: receiving a coupling event from the application tool of the floor holder at the JMS client of the floor holder, *which is the selected JMS client of the floor controller*, the coupling event controls the application tool of the user client who is the floor holder by feeding it back from its JMS client by means of the floor manager and it control also the application tools of the other user clients; see also page 201, right column, paragraph 4 with page 199, left column, third paragraph: coupling events like start, stop, pause); and
c) triggering, by the floor controller (page 197, left column, paragraphs 3-6: floor controller is the JMS client whose floor manager has the floor control), upon receipt of the control instruction from the selected network component, the transmission of a session control command to the data source corresponding to the control instruction (page 198, right column, second paragraph, in particular lines 18-30: upon receiving the coupling event at the JMS client of the floor holder - *which is the selected JMS client of the floor controller* - sending the coupling event back to the application tool of the floor holder; see also page 201, right column, paragraph 4 with page 199, left column, third paragraph).
The subject-matter of claim 1 is therefore not new, Article 33(2) PCT.

2.2 Document D1 also discloses the computer program product comprising program code portions for performing the method steps of claim 1. The subject-matter of claim 11 is therefore also not new, Article 33(2) PCT. Storing computer program products on a computer readable medium is well known to the skilled person, the subject-matter of claim 12 therefore not involve an inventive step, Article 33(3) PCT.

2.3 Document D1 further discloses a floor controller (page 197, left column,

paragraphs 3-6: floor controller) comprising a selection unit (figure 2, page 197, left column, paragraphs 3-6: floor manager), a first interface (figure 2, page 198, right column, paragraph 2: interface between application tool and multiplexer) and a second interface (figure 2, page 198, right column, paragraph 2: interface between application tool and demultiplexer) performing the method steps of claim 1. The subject-matter of claim 13 is therefore also not new, Article 33(2) PCT.

- 2.4 Document D1 also discloses the user interface of a network component comprising a first control element (user interface with control elements in figure 3 or control panel with start, stop, pause etc. on page 201, right column, paragraph 3). performing the method steps of claim 1. The subject-matter of claim 17 is therefore also not new, Article 33(2) PCT.
- 2.5 Document D1 discloses also the subject-matter of dependent claims 2, 3 (page 201, right column, paragraphs 2 and 3, figure 3 and 4), 4, 5, 6, 14 (page 197, left column, paragraphs 2-6 with figure 2) 7, 8, 9, 15, 16 (figure 2; page 198, right column, paragraph 2), 18, 19, 20 (page 197, left column, paragraphs 2-6 with figure 3: request flow button in floor control panel) 21 (page 197, left column, paragraphs 2 - page 197, right column, paragraph 3 with figure 3: release flow button in floor control panel) and 22 (figure 3: floor status window in the floor control panel), the subject-matter of these claims is therefore also not new, Article 33(2) PCT.
- 2.6 The feature of claim 10 is a common measure to the skilled person, its inclusion in a method as disclosed in D1 is therefore obvious to the skilled person, the subject-matter of claims 10 does therefore not involve an inventive step, Article 33(3) PCT.
- 3 The following is additionally noted: document D1 discloses also that the JMS server includes a floor manager (page 198, left column paragraph 2). Since it is also known from D1 that each floor manager can be the floor controller (page 197, left column, paragraphs 2-6, *in particular paragraphs 4-6 with page 197, right column second paragraph and page 198, left column, paragraph 2, lines 4-6*) it is obvious to the skilled person to select the floor manager of the JMS server to be the floor controller. In doing so, the skilled person would directly arrive at the method of claim 1: the JMS server being the floor controller is selecting the JMS client of floor requesting user client being one of the network components to be the floor holder to control the data source as set out above under 1a), the JMS

server receives the coupling event being a control instruction from the selected floor holder as set out above under b) and triggers upon receiving the coupling event, a transmission of the coupling event being a session control command corresponding to the received coupling event (page 198, left column, paragraph 2 with page 198, right column, second paragraph, in particular lines 18-30) to the application tools of the user clients being the data source like JMS Shared Media player retrieving, start by playing, stop, pause the audio or video media and thereby controlling the source of the audio or video media stored locally on the network (page 201, right column, paragraph 2 and 3 with page 199, left column, third paragraph). Following this interpretation of D1 according to the subject-matter of claim 1 and the above mentioned reasons in paragraphs 2.1 - 2.6, the subject-matter of claims 1-22 does not involve an inventive step, Article 33(3) PCT.